IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.777 OF 1998
IN
SUMMARY SUIT NO.2000 OF 1998

Kenneth N.Peddar .Plaintiffs

Vs.

Nath Pulp Papers Mills Ltd. and Anr...Defendants

Mr.N.R.Mody i/b Rustamji Ginwala for the plaintiffs

Mr.G.R.Mehta for the defendants

CORAM : S.U.KAMDAR, J
DATED : 21ST SEPTEMBER, 2005

P.C.:

1. The Learned counsel for the plaintiff seeks leave to withdraw the Summons for Judgment in view of the fact that the defendant company is declared as sick undertaking under section 22 of the Sick Industrial Companies Act, 1985 with liberty to take out fresh Summons for Judgement after the defendant company comes out from the declaration of sick undertaking. Summons for Judgment is withdrawn with aforesaid liberty.

2. The defendants are directed to keep the Office of the Prothonotary and Senior Master, High Court, Bombay and the plaintiff's advocate informed about the status of the proceedings before the BIFR every six months and if any final order is passed then such order to be communicated within 15 days from the passing of the said order.

3. There is also an order of writ petition. If the writ petition order is not set aside, plaintiff will be at liberty to take out fresh Summons for Judgment after bringing Liquidator on record or lodge a claim with the Liquidator.